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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,706	11/20/2000	Raghunath Vitthal Chaudhari	U 013054-6	6784

7590

05/03/2005

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EXAMINER
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PRICE, ELVIS O

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/716,706

Applicant(s)

CHAUDHARI ET AL.

Examiner

Elvis O. Price

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12, 15-18 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 12 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 12, 15-18 and 24 are pending in the application.
  2. In view of the newly found prior art, a new rejection has been issued for claim 12.
- Claims 15-18 still remain allowable, for reasons of record given in the previous Office action dated 5/3/04.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mertzweiller {US Pat. 3,846,281}.

Applicants claim a catalyst of formula:  $AB(y)C(z)$ , wherein A is a support selected from a salt of a Group II metal and the Group II metal is selected from the group consisting of magnesium, calcium and barium and the salt is selected from the group consisting of acetates, nitrates, and chlorides, B is Pt or Pd, y is 0.2 to 10%, C is nickel and z is 0 to 15% with the proviso that when B is Pt, z is 0.

Mertzweiller teaches catalysts, which contains platinum, ranging in concentration from about 0.01 to about 5%, preferably from about 0.2 to about 1.0%, and a Group II metal halide such as magnesium or calcium chloride (see Col. 3, lines 61-75 to Col. 4, lines 1-11). The difference between what is presently claimed and what the

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Mertzweiller reference teaches is that the Mertzweiller reference does not exemplify a platinum-Group II metal halide catalyst as defined by the present claim 12.

However, it would have been prima facie obvious to one having ordinary skill in the art, in view of the teachings of the Mertzweiller reference, to arrive at the presently claimed catalyst since Mertzweiller teaches platinum catalysts which may contain, inter alia, a Group II metal halide.

One having ordinary skill in the art, in view of the teachings of the Mertzweiller reference, would have been motivated to arrive at other art recognizable platinum catalyst by choosing a preferable concentration of platinum ranging from about 0.2 to about 1.0% to combine with a Group II metal halide such as magnesium or calcium chloride.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rylander et al. {US Pat. 3,350,452}.

Applicants claim catalysts selected from the group consisting of 1% Pt/MgCO<sub>3</sub>, 1% Pt/CaCO<sub>3</sub> and 1% Pt/BaCO<sub>3</sub>.

Rylander et al. teach platinum catalysts, which may consist of platinum, ranging preferably from about 1-10%, and calcium carbonate or barium carbonate or strontium carbonate (see Col. 1, lines 51-67 to Col. 2, lines 1-16 and Table 1). The difference between what is presently claimed and what the Rylander et al. reference teaches is that the Rylander et al. reference does not exemplify a catalyst selected from the group consisting of 1% Pt/MgCO<sub>3</sub>, 1% Pt/CaCO<sub>3</sub> and 1% Pt/BaCO<sub>3</sub>.

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However, it would have been prima facie obvious to one having ordinary skill in the art, in view of the teachings in the Rylander et al. reference, to arrive at the presently claimed platinum catalyst since Rylander et al. teach platinum catalyst supported on calcium carbonate or barium carbonate or strontium carbonate, wherein the amount of platinum metal ranges from about 1-10%.

One having ordinary skill in the art, desiring to arrive at other art recognizable platinum catalyst (depending on cost) would have been motivated to prepare platinum catalyst, supported on either calcium carbonate or barium carbonate or strontium, using the smallest required amount of platinum required (i.e., 1%).

### ***Response to Arguments***


Applicants' arguments, filed 8/5/04, have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elvis O. Price whose telephone number is 571 272-0644. The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 571 272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elvis O. Price